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Attorneys for Defendants  
 STANFORD UNIVERSITY and MAIA YOUNG

UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA  
 SAN JOSE DIVISION

SOREN ANDERSEN,

Plaintiff,

vs.

MAIA YOUNG, an individual; STANFORD  
 UNIVERSITY, a business entity unknown;  
 and DOES 1-100, inclusive,

Defendant.

No. C-07-03766 (JW)

RENOTICE OF MOTION OF  
STANFORD UNIVERSITY AND  
MAIA YOUNG TO DISMISS FIRST  
AMENDED COMPLAINT  
PURSUANT TO FRCP 12(b)(1) AND  
(6)

Date: January 14, 2008  
 Time: 9:00 a.m.  
 Dept.: Courtroom 8  
 Judge: Hon. James Ware

TO SOREN ANDERSEN:

NOTICE IS HEREBY GIVEN THAT on January 14, 2008, at 9:00 a.m., or as soon  
 thereafter as the matter may be heard in the courtroom of the Honorable James Ware  
 (Courtroom 8) of the above-entitled Court, located at 280 South First Street, San Jose,  
 California, Defendants STANFORD UNIVERSITY and MAIA YOUNG will and hereby  
 do move the Court for an order dismissing, without leave to amend, all claims alleged in  
 Plaintiff SOREN ANDERSEN'S First Amended Complaint for Defamation and Violation  
 of First Amendment Rights.

1 The hearing was originally noticed for November 19, 2007. The moving papers  
2 were served on plaintiff on August 31, 2007 by regular mail and by email. The set of  
3 papers served by regular mail was returned to defense counsel's office last week. *See*  
4 Declaration of Robert J. Nolan in Supp. of Stanford University's and Maia Young's Motion  
5 to Dismiss First Amended Complaint Pursuant to FRCP 12(b)(1) and (6), ¶ 3. Defense  
6 counsel brought this to Mr. Andersen's attention using the same email address as had been  
7 used for service. *Id.* at ¶ 4, Ex. A. He responded by asking for a copy of the returned  
8 envelope, which was sent to him. *Id.* However, he has not responded to defense counsel's  
9 requests that he confirm that he is not going to claim prejudice for his failure to receive the  
10 hard-copy set in addition to the email set. *Id.* The deadline for Mr. Andersen to file his  
11 opposition was October 29, and he has not filed anything. To avoid any issue as to proper  
12 service of the motion, defendants are renoticing the motion and serving the motion papers  
13 again.

14 This motion will be based on this Renotice of Motion, and the previously filed  
15 Notice of Motion and Motion to Dismiss First Amended Complaint Pursuant to FRCP  
16 12(b)(1) and (6) and Memorandum of Points and Authorities in Support Thereof and  
17 Request for Judicial Notice and attachments thereto, and on all records and files in this  
18 action and all additional matters of which the court may take judicial notice. As set forth in  
19 our prior Notice of Motion and Motion, this motion is made pursuant to Federal Rule of  
20 Civil Procedure 12(b)(1) and (6), on the grounds that:

21 1. The Court does not have jurisdiction over Plaintiff's claims because they are  
22 barred by the *Rooker-Feldman* doctrine;

23 2. Plaintiff has not alleged and cannot allege that private defendants Stanford  
24 and Young were state actors who may be held liable for alleged violations of Plaintiff's  
25 constitutional rights to petition the government for redress of grievances and/or to freedom  
26 of association;

27 3. Plaintiff has not alleged and cannot allege a constitutionally protected  
28 "association" as the basis for the claimed violation of his right to freedom of association;

1           4.     Plaintiff's claim that his right to freedom of association was violated is time-  
2 barred;

3           5.     California Code of Civil Procedure § 425.16 ("the Anti-SLAPP statute") is  
4 constitutional;

5           6.     The Court does not have pendent jurisdiction over Plaintiff's state law  
6 claims in the absence of his federal constitutional claims; and

7           7.     Plaintiff's state law defamation claims are barred by collateral estoppel.

8     Dated: November 1, 2007.

9                                 PILLSBURY WINTHROP SHAW PITTMAN LLP  
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15                                By   
16                                Robert J. Nolan

17                                Attorneys for Defendants STANFORD  
18                                UNIVERSITY and MAIA YOUNG  
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